



CITY OF  
TUCSON  
ZONING  
EXAMINER'S  
OFFICE

## Preliminary Report

December 22, 2016

Randi Dorman  
R+R Develop  
990 East 17<sup>th</sup> Street, Suite 100  
Tucson, AZ 85719

**SUBJECT: C9-16-12 West University HPZ Boundary Amendment –  
University Boulevard  
HC-3/ HR-3 to C-3/R-3 Zoning  
Public Hearings: December 1, and 15 2016**

Dear Ms. Dorman,

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case **C9-16-12 West University HPZ Boundary Amendment – University Boulevard**. At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report (complete with background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) to the Mayor and Council shall be filed with the City Manager. A copy of that report can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

## **SUMMARY OF FINDINGS**

### ***Background –***

This is a request by Randi Dorman, R + R Develop, on behalf of the property owner, Trinity Presbyterian Church, to remove the Trinity Church properties from the West University Historic Preservation Zone (HPZ) and rezone the parcels from HC-3 and HR-3 to C-3 and R-3 zoning.

The rezoning site is located at the southeast corner of University Boulevard and 4<sup>th</sup> Avenue within the West University National Register Historic District and the West University Historic Preservation Zone. The modern streetcar route runs along both University Boulevard and 4<sup>th</sup> Avenue with a stop located east of the site along University Boulevard, and another to the south along 4<sup>th</sup> Avenue.

This rezoning is a companion application to the case *C9-16-13 Trinity Presbyterian Church PAD – University Boulevard and 4<sup>th</sup> Avenue*, which is a proposed mixed use and adaptive use project of the Trinity Presbyterian Church site.

The preliminary development plan proposes a mixed use comprised of commercial/retail, office, and residential. It includes two new buildings viz., Building 1 - four stories/61,847 SF and Building 2 - three stories/20,924 SF. The proposal is to integrate the two new buildings into the existing historic Trinity Presbyterian Church complex that would constitute new construction and adaptive reuse features.

### ***Historic Preservation Issues –***

The objective of this rezoning is to amend the boundary of the West University Historic Preservation Zone that requires that building heights for new construction shall be no higher than the tallest contributing property located within its development zone and shall generally conform to the typical height within the development zone which in this case is the original Trinity Church sanctuary height of 36-feet.

The current proposal is for 48-50 foot building height. The height of the on-site, non-historic structures is 61.6 feet for the church bell tower and 51.6 feet for the Donald Hitch Memorial structure.

The State Historic Preservation Office (SHPO) reviewed the proposal and has stated that the 1924 Spanish Colonial Revival building is listed as a contributor to the National Register West University Historic District. Further, it stated that none of the modern additions including the two noted above of 1937, 1948, 1955, and 1959 are within the period of significance; and do not contribute to the characteristic features that qualify the church for listing as a contributing property.

As for the onsite historic duplex on the north side of Fourth Street, the applicant proposes to re-locate it to an off-site West University location. The proposal is to

both re-locate it and do it in a manner to maintain its contributing status as part of the historic district.

The HPZ does not allow for height variances. Additionally, the Infill Incentive District is not an option because it requires compliance with the HPZ including height restrictions. The only option available to the applicant in order to build to 48-50 feet is to amend the West University HPZ boundary and remove the Trinity site from the HPZ, and then rezone the property to PAD (H).

***Pre-Rezoning Public Meetings –***

On May 17, 2016 the West University Historic Zone Advisory Board (WUHZAB) voted 3-1 (with two abstentions) to forward a favorable recommendation to the Mayor and Council to initiate the rezoning process to replace the HPZ Overlay Zone for the Trinity Church site with a PAD(H) Zone that includes all of the HPZ Standards from the Unified Development Code, including the requirement for design reviews of alterations and new construction and that a WUHZAB representative work with City staff and the applicant during the boundary amendment/PAD(H) rezoning process.

On May 26, 2016 the Tucson-Pima County Historic Commission's Plans Review Subcommittee (PRS) voted 6-0 to forward a favorable recommendation to the Mayor and Council, to initiate the Historic Preservation Zone boundary amendment.

The approval was subject to the following conditions: 1) draft PAD(H) proposal to be reviewed by PRS prior to any approval; 2) any future amendments (minor or major) to the PAD(H) to be reviewed by PRS; 3) agreement with an owner in the West University National Register District for a relocation of contributing duplex that does not affect eligibility of the duplex; 4) PAD(H) proposal to include application of all current Unified Development Code 5.8 HPZ zoning requirements to all contributing historic buildings onsite; 5) proposed new construction to be reviewed for compatibility by PRS using West University Historic Design Guidelines and Unified Development Code, in consultation with SHPO when necessary; recognizing that the proposal will be looking for exceptions based on height and setbacks, and possibly other exceptions to the design guidelines; and 6) WUHZAB representative be involved in the boundary amendment and PAD(H) creation processes.

On June 21, 2016, Mayor and Council voted 7-0 to begin the rezoning process for the *C9-16-12 West University HPZ Boundary Amendment – Trinity Presbyterian Church*, recognizing that the specific set of facts in this case are such that the PAD(H) will eventually include the historic preservation of the church and the movement of the historic bungalow.

The Mayor and Council clarified that this rezoning is not intended to set a precedent for future decreases of the HPZ boundaries going forward.

***December 1, 2016 Zoning Examiner Hearing -***

At the December 1, 2016 Zoning Examiner hearing, it was reported that there were 16 approval letters and 12 protest letters. The west quadrant had 21% of property owners protesting and the east quadrant 22.6% protesting thus at this hearing if forwarded directly to Mayor and Council would have required a supermajority vote for approval.

Note that this rezoning and the case *C9-16-13, PAD(H)* rezoning, involve the same property and the same future proposed land use thus some information below is the same for both cases.

It was made clear during the hearing that both the 61.6-foot church bell tower and 51.6-foot Donald Hitch Memorial structure were legal nonconforming structures.

The speakers who spoke in support praised the project as thoughtful design, and providing a safer cleaner improved development to the area, and further being a model of good sustainable development. There were comments that the architect, Rob Paulus is an excellent designer who can be relied on to do high quality work.

Speakers in opposition expressed concern about the increase in height from the historically conforming 36 feet to about 50 feet. There was concern about noise and further 'entertainment district' development encroaching into the nearby residential area. Additionally, concern was raised about traffic and about reduction of the historic district's boundary that may set a disturbing precedent.

The applicant made a presentation that explained the value of the project and its overall sensitive treatment of the church building as a valued historic landmark. Further, she explained how the mix of uses being considered will be compatible with both the surrounding residential uses and the modern streetcar. This proposal, she said, was a model of good transit-oriented development.

Staff provided additional information about the proposal's relation to the Infill Incentive District (IID) by noting that this proposal does not qualify for using the IID because HPZ standards take precedent over IID flexible standards.

The Zoning Examiner continued this case and the PAD(H) case and requested the applicant meet with both Planning and Development Services staff and representatives of the West University Neighborhood Association (WUNA).

It was requested that both sides review the special conditions submitted by WUNA for any consensus points and further that staff review them for their enforceability.

The Zoning Examiner asked the applicant to review the viability of the proposed group dwelling use on the site, and review the design review concept that is most applicable in that the development is entirely within the Infill Incentive District, a special infill design area of the City.

More information on streetscape design was requested, since it may influence Fourth Avenue streetscape design in the future.

Finally, the Zoning Examiner asked staff to review how the historic landmark process in the PAD(H) document would work.

***December 15, 2016 Zoning Examiner Hearing –***

It was reported that there were 17 approval letters and 12 protest letters. The west quadrant had 21% of property owners, and the east quadrant 22.6% protesting thus if this number remains the Mayor and Council will require a supermajority vote for approval.

As requested by the Zoning Examiner at the December 1, 2016 hearing, the staff and the applicant gave a briefing on the points of agreement and non-agreement.

There was agreement on various communication improvements and non-zoning issues between developer and neighbors during future construction activity and conduct of future uses. Further, there were issues reported as already covered by the PAD(H) document or existing City ordinances. There was also information provided about the status of group dwellings, parking structures, traffic, design review, building volume, and streetscape. These issues are discussed in more detail in the *C9-16-13 PAD(H)* rezoning report.

For this rezoning, a more relevant issue discussed was building height. It was reported that there was no consensus reached on using the rezoning process to reduce the HPZ boundary to make a height adjustment. There was some agreement that a future ‘variance’ procedure for such height adjustments in the HPZs development zones would be preferable but on a very limited basis.

Further, on the topic of the optional City historic landmark designation process, staff reported that they consulted with the City Attorney’s office and the staff recommendation is the HL designation process within the PAD(H) document is an acceptable alternative to an HL rezoning.

Supporters and opponents expressed similar positions of support and opposition as those expressed at the December 1, 2016 public hearing. Supporters spoke about the quality of design and the need of the church to find a suitable development to ensure its survival. The opponents spoke about the concern about precedent of changing the historic boundary, potential noise, parking, traffic, and



general disruption of the residential area. Speakers taking a neutral position noted the need to consider a process less drastic than a boundary amendment to consider minor building height adjustments in the future.

#### ***Surrounding Land Uses -***

The proposed rezoning site is a church complex that includes sanctuary, offices, meeting hall, surface parking lots, and two historic residences. The property is within the West University Historic Preservation Zone. It is generally surrounded by various commercial and residential development on all sides. The zoning profile includes to the north HC-3 and HR-3 zones, to the south HC-3 and HR-2 zones, to the east HC-1, HR-3 and HR-2 zones and to the west HC-3, HO-3, HR-3 and HR-2 zones.

#### ***Land Use Plans -***

Land use policy direction for this area is provided by *Plan Tucson*, the *University Area Plan* and the *West University Neighborhood Plan*.

*Plan Tucson* – *Plan Tucson* identifies the rezoning site as being in an “Existing Neighborhoods” Building Block. This category is for land that is primarily developed, and land in largely built-out residential neighborhoods and commercial districts. Some new development and redevelopment is expected in the next decade.

The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encourage reinvestment and new services and amenities that contribute further to neighborhood stability.

*Plan Tucson* supports historic preservation/adaptation, economic development, infill development, new housing options, and the modern street car. It encourages special zoning districts, such as Planned Area Developments (PAD) and overlay districts, as ways to promote the reuse of historic structures, mixed-use areas, and multi-modal development.

*University Area Plan (UAP)* - The *UAP* promotes cooperation between neighborhoods, private developers, and the City of Tucson to ensure new development is sensitive to local neighborhood concerns while being supportive of adopted city-wide policies.

*UAP* supports the preservation and enhancement of historic districts and HPZ areas. It also supports pedestrian and shopping districts such as 4<sup>th</sup> Avenue with a well-defined public sidewalk system. Projects should be consolidated for better multi-modal integration of circulation and access by reducing curb cuts along streets and directing traffic away from residential neighborhoods.

New development should demonstrate sensitivity to surrounding uses and be compatible in massing/scale of projects by using building materials, architectural style, ornamentation, setbacks, step backs, and variation in building height or mass to complement the scale and character of surrounding development and reduce the appearance of excessive height and bulk.

West University Neighborhood Plan (WUNP) - The *WUNP* recognizes the potential for land use changes associated with the modern street car along with the *WUNP* goal to preserve the historic, residential character of the established neighborhoods west of Euclid Avenue.

The Conceptual Land Use Map identifies the proposed site as “Maintain Existing Public and Semi-Public” and refers to Commercial and Office Development, Policy D for adaptive reuse policies. This land use designation has been used in the *WUNP* for adaptive reuses in the past.

Similar to the *UAP* the plan, the policies allow for adaptive reuse. In *WUNP* adaptive reuse case, the existing principal structure on the parcel will be retained. In this proposal the site’s principal use, the church is being retained. The proposed uses should not adversely impact surrounding land uses especially residential neighborhoods. Parking and circulation is proposed to be designed to prevent negative impacts such as spill-over parking into neighborhoods and pass through traffic within the residential streets.

The *WUNP* policy direction limits building heights west of Euclid to that allowed by zoning on August 1, 1988; and limits residential densities to no more than 40 units per acre. *WUNP* also encourages new residential developments to incorporate landscape areas as part of the overall development. Note the bell tower and Donald Hitch tower built circa 1950 are legal non-conforming structures with existing height pre-dating the plan policy’s 1988 time frame.

The public review for this case involves two separate rezonings, this one and *C9-16-13 Trinity Presbyterian Church – University Boulevard and 4<sup>th</sup> Avenue Area Development (PAD)*. Thus, there has been ample discussion of the historic preservation as well as the infill issues.

Ultimately, this rezoning is required to address a building height issue whose principal rationale is that the two existing structures with height compatible to the proposal’s height have historic credibility but are not technically historic structures of the HPZ.

#### Major Streets and Routes Plan

University Boulevard is identified as a collector road and 4<sup>th</sup> Avenue is identified as a local street on the City’s Major Streets and Routes Map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD)

estimates that the proposed development will generate 12,231 vehicle trips per day.

### **CONCLUSION**

This rezoning is a companion application to the case *C9-16-13 Trinity Presbyterian Church PAD – University Boulevard and 4<sup>th</sup> Avenue Area Development (PAD)*, which is a proposed adaptive and mixed use project of the Trinity Presbyterian Church site.

The rezoning's intent is to amend the boundary of the West University Historic Preservation Zone that requires that building heights for new construction to be no higher than the tallest Contributing Property which in this case is the original Trinity Church sanctuary height of 36 feet.

There are two on-site historic structures with height similar to the applicant's proposal but are not considered contributing within the HPZ. In that the HPZ does not allow for height variances and the IID height flexibility is not allowed in an HPZ, the only option available to the applicant in order to build to 48-50 feet is to amend the West University HPZ boundary, removing the Trinity site from the HPZ, and then rezoning the property to PAD (H).

The various review bodies WUHZAB, Historic Commission Plan's Review Subcommittee have supported the initiation of the project and the Mayor and Council initiated the proposal. The Mayor and Council clarified that this rezoning is not intended to set a precedent for future reduction of the HPZ boundaries going forward.

A fuller discussion of the preliminary development plan for a mixed use comprised of commercial/retail, office, and residential is covered in *C9-16-13* report. It includes two new buildings to be integrated with the existing, historic Trinity Presbyterian Church complex.

In reviewing the land use plans policy guides for this proposal, there is substantial support. The existing height in the Trinity complex is supportive of the proposed height.

The key consideration of this rezoning, involves the building height proposal on the subject property.

HPZ Amendment – While the WUNA representatives stated that they cannot support the amendment of the HPZ boundary, however, some less drastic review process for minor height adjustments, they said, may be worth exploring. The Zoning Examiner suggests the City consider the creation of a zoning text amendment for height in an HPZ in the form of a variance or a special exception



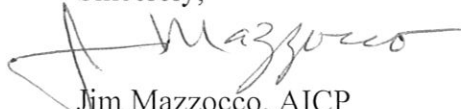
that has conditions for minor and limited height adjustments in an HPZ development zone. If this process is considered, staff should review the *West University Neighborhood Plan* to assure any change complies with the plan

The Trinity PAD/Boundary Amendment is a case where two non-qualifying but historic structures could have set the height for the new construction but because of a technical issue of not qualifying as being in the HPZ's "period of significance" forced an awkward rezoning of the HPZ boundary. While the proposed PAD would formerly be outside the HPZ boundary, the PAD(H) document does an acceptable job of creating historic preservation standards similar to those applied within an HPZ district.

#### **RECOMMENDATION**

The Zoning Examiner recommends approval of the rezoning resulting in an Historic Preservation Zone boundary amendment subject to historic preservation standards listed in the proposed PAD(H) document.

Sincerely,



Jim Mazzocco, AICP  
Zoning Examiner

#### **ATTACHMENTS:**

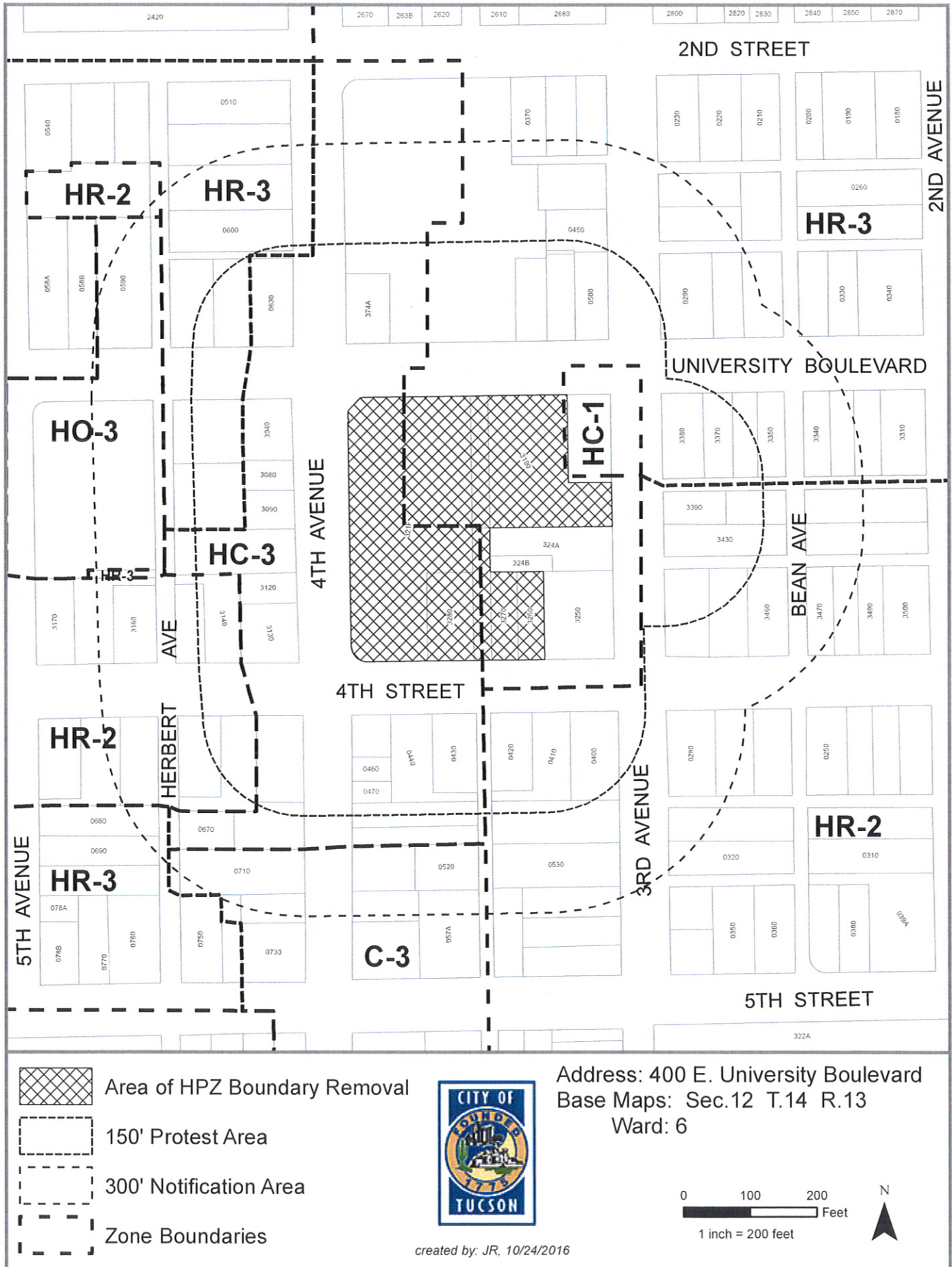
Case Location Map

Rezoning Case Map

cc: City of Tucson Mayor and Council

# C9-16-12 West University HPZ Boundary Amendment

Rezoning Request: from HR-3.HC-3 to R-3,C-3





# C9-16-12 West University HPZ Boundary Amendment

